

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GARY C. and GALE B. WARREN,  
and TOLL BROS., INC.,

Plaintiffs,

v.

NEW CASTLE COUNTY,


Defendant.

C.A. No. 07-725 LPS

**NEW CASTLE COUNTY'S MOTION TO  
DISMISS PLAINTIFFS' COMPLAINT**

Defendant New Castle County ("County") hereby moves to dismiss the complaint filed by Gary C. Warren, Gail B. Warren, and Toll Bros., Inc. pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 12(b)(7). The grounds for the motion are more fully set forth in the County's brief in support of the motion, filed herewith.—

CONNOLLY BOVE LODGE & HUTZ LLP



Collins J. Seitz, Jr. (Bar No. 2736)

Max B. Walton (Bar No. 3876)

The Nemours Building

1007 North Orange Street, 8<sup>th</sup> Floor

P.O. Box 2207

Wilmington, DE 19899

Tel: (302) 658-9141

Fax: (302) 656-0116

*Attorneys for New Castle County*

Dated: January 4, 2008

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**(PROPOSED) ORDER ON NEW CASTLE COUNTY'S  
MOTION TO DISMISS**

AND NOW, TO WIT, on this \_\_\_\_\_, day of \_\_\_\_\_, 2008, having heard and considered defendant New Castle County's ("County") motion to dismiss and supporting arguments, and plaintiffs Gary C. Warren, Gail B. Warren, and Toll Bros. Inc.'s (collectively "Toll") reply thereto, the County's motion is GRANTED in its entirety and Toll's complaint is hereby DISMISSED WITH PREJUDICE.

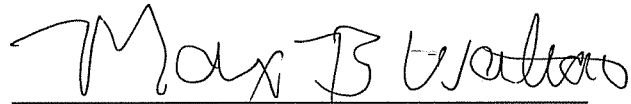
IT IS SO ORDERED.

\_\_\_\_\_  
The Honorable Leonard P. Stark U.S.M.J.

CERTIFICATE OF SERVICE

I certify that on January 4, 2008, I electronically served the NEW CASTLE COUNTY'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT and the PROPOSED ORDER by CM/ECF to counsel of record as follows:

Jeffrey M. Weiner, Esq.  
Law Offices of Jeffrey M. Weiner  
1332 King Street  
Wilmington, DE 19801  
(302) 652-0505

  
\_\_\_\_\_  
Max B. Walton, Esq. (Bar No. 3876)